

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY  
COUNCIL MEETING HELD DECEMBER 2, 2014**

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**CALL TO ORDER**

At 7:02 p.m., Mayor Bruno called the meeting to order and stated that adequate notice of this meeting has been provided by posting the same on the bulletin board of Town Hall and forwarding a copy to the Courier News and Star Ledger at least forty-eight hours prior to the meeting, all in accordance with the Open Public Meetings Act. This meeting will not go substantially past 10:30 p.m.

**ROLL CALL**

Mr. Delia, Mr. Hall, Mr. Pirone, Mr. Woodruff, Mr. Pastore, Mrs. Kingsley and Mayor Bruno answered present. Also present was Township Attorney Joseph Sordillo, Township Administrator John Bussiculo and Township Clerk Ana Minkoff.

**PROCLAMATION**

**Linda Santillo - Retirement**

Mayor Bruno presented Linda Santillo, Deputy Township Clerk with a proclamation. She is retiring on December 31, 2014, having served the Township for over 14 years. The Mayor thanked Linda for her dedication and superior performance. He encouraged all to enjoy the coffee and cake while the Mayor and Council head to Executive Session.

**EXECUTIVE SESSION – Attorney/Client Privilege-Litigation Mathis v. Berkeley Heights**

Moved by Mrs. Kingsley to go into Executive Session, seconded by Mr. Pastore and upon roll call vote:  
**(7:07 p.m.)**

Ayes: Mr. Delia, Mr. Hall, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley  
Nays: None  
Abstain: None  
Absent: None

**FLAG SALUTE**

Mayor Bruno asked everyone present to stand as he led the Flag Salute.

**CONFERENCE SESSION**

**1. Land Transfer Discussion**

Mr. Hall reported on plans for an upcoming presentation by Mr. Mistretta which would 1) include a map with all municipal properties as well as 2) respond to various issues recently raised by the community. He expects that this next step will allow the Council to move forward with the Land Transfer discussion in January. While he missed a previous meeting in which an alternative plan was discussed, Mr. Hall stated that alternative plans should be held to the same standard in terms of numbers and rationale.

Mr. Delia noted that he has been respectful regarding the Council's Land Transfer plan but felt the public needs a true alternative plan. Discussion ensued regarding Mr. Delia's alternative plan and whether an alternative firm should review it. It was suggested that Mr. Delia work with GRA and Mr. Raminthol on a needs analysis for his plan.

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**2. Memorial Park Committee**

Former Mayor (Ted Romankow) reported about the progress of the Memorial Park Committee which was recently formed by ordinance. Discussion ensued regarding the disrepair of the park, reaching out to landscapers, updating the electrical and sprinkler systems, mildew on the benches, the cracked wall, the flag pole and lighting the flag pole, the water cooler, not seeking advertising, plans for trees, perennials and annuals, walkways, the electrical box, benches, pavers, new grass, crowds on presentation days and the importance of this sacred land. Mrs. Kingsley asked about planting a Dogwood tree as it is the town tree as well as matching benches. Mr. Romankow stated that they would like to set up a trust fund to replace shrubs. He stated that there is a need for fundraising and the Committee is now accepting donations for the Memorial Park Committee (tax deductible.) Mr. Romankow stated that they would need money from the town also, as the Park's cost will be about \$75,000.

**APPROVAL OF MINUTES**

Moved by Mr. Delia to approve the following Township Council minutes and Executive Session minutes as, seconded by Mr. Woodruff and upon roll call vote:

**Public Meeting – November 17, 2014**

**2012 Exec. Session Minutes**

**June 12, June 26, August 7, August 21, September 11.**

Ayes: Mr. Delia, Mr. Hall, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley  
Nays: None  
Abstain: None  
Absent: None

**TOWNSHIP COUNCIL REPORTS**

Mr. Delia reported on his recent Atlantic City visit in which he attended both a GPS presentation and the Sustainable Jersey Awards luncheon in which Berkeley Heights received the Silver-level Certification award. He noted that this recognition was a result of much volunteer assistance. A discussion ensued about resident feedback regarding Saturday leaf pickup.

Mr. Hall reported that there are vacancies in the Police Department. Discussion ensued regarding written and psychological exams for the open positions.

Mr. Woodruff reported on a tremendous event (chorale) which was held at Westminster Church during the week before Thanksgiving. Mr. Woodruff also reported about an interfaith service at Our Lady Peace, which was started about 7 or 8 years ago.

Mr. Pastore wanted to remind everyone that this weekend is the Santa visit and Tree Lighting.

Mrs. Kingsley thanked all for the efforts which went into the Westminster concert and spoke about next year's plans. Mrs. Kingsley also spoke about the continued need for funds for the Manger as well as the tremendous community contributions thus far (from the Tesedescos, Jaeger Lumber, Mr. Broccoli, and Halls.) She also spoke about Holiday decorations, thanked Jorge and DPW and spoke about efforts to work with JCP&L to get the remaining poles lit. Mrs. Kingsley thanked Chase as they worked with our town to match their street scape decoration to our town. She congratulated the GL football team for their recent win (over New Providence); first time since 2005.

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Mr. Bussiculo spoke about a number of issues including the quick RFP posting, street light violations, signing electric for another two years and looking at Gas (auction,) DPW cameras, the Electric gate and the Chase lights. A quick discussion ensued regarding the Master Plan (September 2017.) Mr. McAndrew discussed a new DEP non-compliance occurrence fine which had been previously classified as non-actionable.

Mayor Bruno spoke about his attendance at the League of Municipalities including the work that Len Berkowitz did to assist in Berkeley Heights receiving the Sustainable Jersey Silver-level Certification. Discussion then ensued regarding the Pipeline discussion at the League (specifically alternate route, eminent domain, and the roles of the DEP and BPU.) Finally, the Mayor reported that a new Thai restaurant is opening in Berkeley Heights (in the next 10 days.)

Moved by Mr. Woodruff to accept and approve the Township Council and Administration Reports, seconded by Mrs. Kingsley and upon roll call vote.

Ayes: Mr. Delia, Mr. Hall, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley  
Nays: None  
Abstain: None  
Absent: None

**HEARING ON AGENDA ITEMS ONLY – 3 minutes per resident**

Moved by Mr. Hall to open the Hearing on Agenda Items Only, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley  
Nays: None  
Abstain: None  
Absent: None

Ms. Marlene Sincaglia was pleased that the Pipeline resolution was on the Council's agenda. Discussion ensued regarding quality of life, zoning and the Planning Board. Finally, discussion ensued about the Pipeline and the State (issue of eminent domain) and BPU's role in the Pipeline's status.

Ms. Matula of 5 Hastings Road commented about the vacation and salary ordinance and the subsequent little respect shown for the residents of the town. Discussion ensued regarding Township employee salary, benefits, vacation and longevity practices and the union negotiation process.

Ms. Elizabeth McKenna asked if the Pilgrim Pipeline Resolution would be forwarded to the BPU. Further discussion ensued about the Pilgrim Pipeline and eminent domain, public notification and Berkeley Heights (and Chatham Township's) water source, housing values, and sick children.

Mr. Tom Foregger of 14 Dorsett Road requested to view a spreadsheet which accompanied the PBA negotiation. Discussion ensued regarding analysis requirements and police forfeiture.

Mr. John Sincaglia asked about union health benefits, employee health contributions, and the implementation of Chapter 78. Discussion ensued regarding land swap professional services and appropriate bidding and professional services practices. Further discussion ensued about the DEP and the Pilgrim Pipeline.

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Ms. Dolores Cronenberger questioned why Chase Bank was able to post 6 (six) signs (four outside and two inside.) Discussion ensued regarding the Planning Board approval process for such an application and how the community can proceed when unhappy.

Moved by Mr. Hall to close the Hearing on Agenda Items Only, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley  
Nays: None  
Abstain: None  
Absent: None

**NEW BUSINESS- RESOLUTIONS  
OFFICIAL ACTION WILL BE TAKEN ON THE FOLLOWING:**

**RESOLUTIONS**

**Mr. Delia introduced the following resolution:**

1. Resolution approving Bill List dated December 2, 2014 in the amount of \$425,588.46.

Moved by Mr. Delia to approve resolution #1, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley  
Nays: None  
Abstain: None  
Absent: None

**Mr. Pastore introduced the following resolution:**

2. Resolution establishing a trust fund through a dedication by rider.

Moved by Mr. Pastore to approve resolution #2, seconded by Mr. Pirone and upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley  
Nays: None  
Abstain: None  
Absent: None

**Mr. Woodruff introduced the following resolution:**

3. Resolution stating that the Council has personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations."

Moved by Mr. Woodruff to approve resolution #3, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley  
Nays: None  
Abstain: None  
Absent: None

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**Mr. Hall introduced the following resolution:**

4. Resolution approving the Corrective Action Plan and authorizing the Chief Financial Officer to implement such plan.

Moved by Mr. Hall to approve resolution #4, seconded by Mr. Woodruff and upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley  
Nays: None  
Abstain: None  
Absent: None

**Mr. Pirone introduced the following resolution:**

5. Resolution awarding a 2014 BOMAG Utility Roller bid to Jesco, Inc., 118 St. Nicholas Avenue, South Plainfield, NJ 07080, in the amount of \$27,055.50.

Moved by Mr. Pirone to approve resolution #5, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley  
Nays: None  
Abstain: None  
Absent: None

**Mrs. Kingsley introduced the following resolution:**

6. Resolution calling for a moratorium on any and all planning, proposal, surveying, or construction of the Pilgrim Pipeline through and within the municipal borders of the Township of Berkeley Heights.

Moved by Mrs. Kingsley to approve resolution #6, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley  
Nays: None  
Abstain: None  
Absent: None

**Mr. Pirone introduced the following resolution:**

7. Resolution authorizing transfers within the 2014 Municipal Budget and Reserves.

Moved by Mr. Pirone to approve resolution #7, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley  
Nays: None  
Abstain: None  
Absent: None

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**Mr. Woodruff introduced the following resolution:**

8. Resolution authorizing the appropriate municipal officials to ratify the “Memorandum of Agreement” signed on November 25, 2014 between the Township of Berkeley Heights and The Policemen’s Benevolent Association Local 144 (“PBA”).

Moved by Mr. Woodruff to approve resolution #8, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley  
Nays: None  
Abstain: None  
Absent: None

**CONSENT AGENDA**

All matters listed under Consent Agenda are considered routine by the Township Council and will be enacted upon by one motion; there will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- a. Resolution authorizing the partial release of a Cash Bond, to Rae & Ana Aranas in the amount of \$800.00, in connection with a Tree Performance Bond, for the property at 43 Orchard Lane.
- b. Resolution authorizing a brief fireworks display on December 6, 2014, for the Tree Lighting Ceremony.
- c. Resolution removing Owen Tansey from the active duty roster of the Berkeley Heights Fire Department.
- d. Resolution appointing Sarah Haddican to the Berkeley Heights Junior Fire Division

Moved by Mr. Pastore to approve Consent Agenda resolutions #a-d, seconded by Mr. Pirone and upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley  
Nays: None  
Abstain: None  
Absent: None

**ORDINANCES**

**INTRODUCTION OF ORDINANCE**

**Public Hearing and Final Adoption scheduled for December 16, 2014.**

The Clerk presented and read:

**“AN ORDINANCE OF THE TOWNSHIP OF BERKELEY HEIGHTS, COUNTY OF UNION, STATE OF NEW JERSEY, AMENDING, REVISING AND SUPPLEMENTING SECTION 2.128.110 ENTITLED “VACATIONS” OF CHAPTER 2.128 ENTITLED “PERSONNEL SYSTEM” OF TITLE 2 ENTITLED “ADMINISTRATION AND PERSONNEL” OF THE CODE OF THE TOWNSHIP OF BERKELEY HEIGHTS.”**

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Explanation: This Ordinance amends the terms of the accumulation of vacation for Township Employees to have same based on the pro—rata employment for each year.

Moved by Mrs. Kingsley that the ordinance as read by the Township Clerk is offered on first reading and the date of December 16, 2014 is set as the date for public hearing and the Township Clerk is directed to advertise it in the Courier News, seconded by Mr. Woodruff and carried.

Upon roll call vote:

Ayes: Mr. Hall, Mr. Pirone, Mr. Woodruff, Mrs. Kingsley, Mr. Pastore  
Nays: Mr. Delia  
Abstain: None  
Absent: None

## **CITIZENS HEARING**

Moved by Mr. Woodruff to open the Citizens hearing, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley  
Nays: None  
Abstain: None  
Absent: None

Justin Klausner of 111 Timber Drive asked about a getting a traffic light on Locust. Discussion ensued regarding the Traffic Study for Locust and improvements which have occurred on this street

Carol Matula of 5 Hastings asked whether we requested weapons from the Department of Defense. Discussion then ensued about Comp time for the DPW, a reviewing a presentation on what the DPW does, Mr. Delia's Land Swap proposal and a needs analysis and needed financial support, as well as Mr. Raminthol and Little Flower Church (and whether there is bias in his professional services as he is a church member.) Discussion ensued about the land swap and the open nature of this proposal since 2012. More discussion followed about Mr. Delia sitting with Mr. Raminthol to discuss his proposal. Ms. Matula felt that the needs analysis exactly matched Little Flower. The Mayor spoke about some of the needed refurbishment plans needed at Township Hall (i.e., ADA.) More discussion ensued regarding the original Little Flower land swap analysis scope and the need for the library to be renovated.

## **Mr. Delia departed at 10:04 p.m.**

Mr. Tom Foregger believes that the analysis for the land swap should have been conducted by someone who wasn't involved with Little Flower Church.

Mr. Germansky, 30 Lawrence Drive, believes that options other than the Land Swap proposal did not receive the same level of attention. He requested an analysis that is more than block diagrams as well as recognize the need for a new library. Discussion ensued regarding the Township's struggling downtown, train parking, the risk of the Township building being ordered to shut down, and cutting budgets and raising rateables, as well as transition costs. Finally there was discussion about the budgetary implications of staying in the building, and moving over near the Recreation Center.

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Hearing no voices, moved by Mr. Woodruff to close the Citizens Hearing, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. Hall, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley  
Nays: None  
Abstain: None  
Absent: Mr. Delia

**ADJOURNMENT**

Moved by Mr. Pastore to adjourn, and upon roll call vote  
**(10:38 p.m.)**

Ayes: Mr. Hall, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley  
Nays: None  
Abstain: None  
Absent: Mr. Delia

**Approved: February 10, 2015**